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10 *Attorneys for Defendant Western Progressive-Nevada, Inc. and Citibank, N.A., as Trustee of the*
11 *American Home Mortgage Investment Trust 2004-3, Mortgage Backed Notes, Series 2004-3*

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 DIEGO M. GALIETTI, an individual,
15 Plaintiff,

16 vs.

17 WESTERN PROGRESSIVE-NEVADA, INC.,
18 a Delaware Corporation; CITIBANK, N.A., as
19 Trustee of the American Home Mortgage
20 Investment Trust 2004-3, Mortgage Backed
21 Notes, Series 2004-3; and DOES I THROUGH
22 X inclusive; and ROE CORPORATION XX
23 through XXX, inclusive,
24 Defendants.

Case No.: 2:21-cv-2034-APG BNW

25 **STIPULATION TO EXTEND**
26 **DEADLINE TO FILE RESPONSE TO**
27 **MOTION TO DISMISS AND SECOND**
28 **SUPPLEMENTAL BRIEFING**
(THIRD REQUEST)

Chapter 7 Trustee Robert E. Atkinson on behalf of the Bankruptcy Estate of Plaintiff, Diego M. Galietti (“Ch. 7 Trustee”), and Defendants Citibank, N.A., as Trustee of the American Home Mortgage Investment Trust 2004-3, Mortgage Backed Notes, Series 2004-3 (“Citibank”); and Western Progressive-Nevada, Inc. (“Western Progressive”) (“Defendants”) (collectively “Parties”), by and through their counsel of record, hereby stipulate and agree as follows:

On May 10, 2022, Plaintiff, Diego Galietti (“Plaintiff”), filed his First Amended Complaint [ECF No. 38]. On June 17, 2022, Defendants filed a Motion to Dismiss First Amended Complaint [ECF No. 50]. On the same day, Defendants filed their Second Supplemental Briefing on the pending Motion for Preliminary Injunction [ECF No. 51]. On the same day, Plaintiff filed his Notice of Bankruptcy [ECF NO. 49], which identified the Ch. 7 Trustee as the trustee of his

1 Bankruptcy Estate.

2 By operation of 11 U.S.C. § 541(a), all of Plaintiff's claims made in the First Amended
3 Complaint are now property of the Bankruptcy Estate.

4 The Parties hereto have discussed resolving this entire lawsuit in Bankruptcy Court, via a
5 settlement. This settlement will require bankruptcy court approval. If approved, the settlement
6 will result in a dismissal of this lawsuit.

7 The current deadline for Plaintiff to file a Response to the Motion to Dismiss First
8 Amended Complaint and Second Supplemental Briefing is July 29, 2022 [ECF NO. 56]. These
9 deadlines should be extended to allow a resolution of this lawsuit to be obtained in bankruptcy
10 court.

11 WHEREAS, the Parties hereto hereby stipulate and agree to extend the deadline for
12 Plaintiff or the Ch. 7 Trustee to file a response to the Motion to Dismiss Complaint and Second
13 Supplemental Briefing by 75 days, to October 12, 2022.

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1 This is the third motion for an extension of time for the Plaintiff to file a response to the
2 Motion to Dismiss Complaint and Second Supplemental Briefing. The extension is requested in
3 good faith and is not for purposes of delay or prejudice to any other party.

4 DATED this ____ day of July, 2022.

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6 WRIGHT, FINLAY & ZAK, LLP

CHAPTER 7 TRUSTEE OF THE
BANKRUPTCY ESTATE OF DIEGO M.
GALIETTI, NEVADA BANKRUPTCY
CASE 22-12001-NMC

9 /s/ Ramir M. Hernandez

/s/ Robert E. Atkinson

10 Ramir M. Hernandez, Esq.
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13 Las Vegas, NV 89117
14 *Attorneys for Defendant, Western*
15 *Progressive-Nevada, Inc. and Citibank, N.A.,*
as Trustee of the American Home Mortgage
Investment Trust 2004-3, Mortgage Backed
Notes, Series 2004-3

Robert E. Atkinson
376 E. Warm Springs Rd. Ste 130
Las Vegas, NV 89119
Chapter 7 Trustee

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17 IT IS SO ORDERED:

18 Dated: July 27, 2022

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ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE